

Serial N.: 10/010,158
Practitioner Docket No. 019502.0007US1

REMARKS

35 USC §102

Claims 1 and 6 were rejected under 35 USC § 102(b) as being anticipated by Chen. Chen does indeed teach first and second arms extending from a common bridge. But the arms of Chen, as well as the arms of the other relevant prior art Braatz (US 5103562), and Horning (US 5007171) are substantially the same width as the corresponding bridges. Thus, the currently amended claim 1, which recites that "the first and second arms are each significantly wider than the bridge", is not anticipated by Chen or any other of the currently or previously cited references.

The same, of course, is true for obviousness. That element is not taught, suggested, or motivated in any way by any of the cited references.

Nor is the added element merely a design choice. Safety is a critical issue with bag openers, and an opener with wide arms provides additional safety. Braatz, Chen and Horning all appear to address the problem by providing recesses finger receiving areas on the arms. See for example Horning col. 4, lines 1-5. No one seems to have appreciated that an especially wide arm provides additional safety.

There is another distinction that is set forth in added claim 7. The arms of Chen are basically flat; they do not extend concavely from the bridge. The only portions of the arms that extend concavely from the bridge are strengthening ribs that run longitudinally along the center of the arms. Claim 7 further distinguishes Chen on that feature by reciting that the entirety of the first and second arms extend concavely from the bridge.

35 USC §103

Claims 1 and 6 were further rejected under 35 USC § 103 as being obvious over Horning in view of Chen. Those rejections are obviated in view of the amendments herein. There is no teaching, suggestion, or motivation in any of the cited art, or in any combination of same, to provide arms that are significantly wider than the bridge.

Claims 4 and 5 were rejected under 35 USC § 103 as being obvious over various combinations of Horning, Chen, and Braatz. Those rejections are also obviated in view of the

Serial N : 10/010,158
Practitioner Docket No. 019502.0007US1

amendments herein. First, all of the dependent claims (including claims 4 and 5) are allowable as being dependent on allowable claim 1. Second, as discussed above, there is no teaching, suggestion, or motivation in any of the cited art, or in any combination of same, to provide arms that are significantly wider than the bridge.

Newly added claim 7 is also not obvious over the cited references, since it recites an element that is contrary to that found in the cited art.

Newly added claim 7 is also not obvious over the cited references, since it recites an element that is contrary to that found in the cited art.

Claim 1 now recites that the exteriors of the arms extend concavely from a common bridge. That feature is important for safety and ergonomics. The feature is not present in any of the cited art. No reference or combination of references teaches, suggests, or would have motivated one skilled in that art to practice the currently claimed invention.

Claims 2-5 were rejected under 25 USC § 103(a) as being obvious over US 5007171 to Horning, Jr. ("Horning") in view of US 5103562 to Braatz ("Braatz"). The same arguments apply here. In addition, claims 2-3 are canceled herein, and claims 4 and 5 are allowable as being dependent on allowable claim 1.

REQUEST FOR ALLOWANCE

Claims 1, 4-7 are pending in this application. The applicants request allowance of all pending claims.

Respectfully submitted,

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Serial No.: 10/010,158
Practitioner Docker No. 019502.0007US1

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